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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,605	08/09/2007	David William Leeming	347576	1535

7590
Security Officer
P O Box 77301
Atlanta, GA 30357

EXAMINER

ABDOSHI, SAMIR

ART UNIT	PAPER NUMBER
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3641

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/584,605	Applicant(s) LEEMING, DAVID WILLIAM	
	Examiner SAMIR ABDOSH	Art Unit 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-35, 37 and 38 is/are rejected.
- 7) ☒ Claim(s) 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is a final rejection on the merits, made in response to amendments and remarks received May 26th, 2010.

Response to Amendment

1. Upon review of the Applicant's amendments, all previous claim objections are hereby withdrawn. Rejections made to claims under section 35 USC 102 are no longer applicable and are also hereby withdrawn.

Response to Arguments

2. Applicant's arguments with respect to claims 30-35, 37, and 38 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 30-35, and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beach (US 2009/0266226) further in view of Glasson (US 2006/0169832).

Regarding claims 30, 31, 33, 35, 37 and 38, Beach teaches a method for protecting an object against a rocket propelled grenade, comprising:

providing a net formed from interconnecting net strands defining a net mesh (an exemplary net is shown as element **2** and **1206**) configured such that the rocket

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propelled grenade will be disabled by deformation of a nose cone when the nose cone enters one of the sections of the net mesh (paragraph 13 explains that the net is capable of defusing an RPG by "collapsing the ogive of an incoming RPG to disable the fusing mechanism", the Examiner maintains that "collapsing the ogive of an incoming RPG" is considered to be 'strangling the nose cone' and is inherently associated with some degree of deformation, whether it be at the micro-level or visually apparent, since the RPG would encounter stress forces against the surface of its nose cone); and

dispose the net between the object and the rocket propelled grenade (see Figure 1a for illustration diagramming a net disposed between an RPG and a vehicle).

Furthermore, since Beach teaches that the protective net is capable of neutralizing an RPG via "deformation", that would require that the mesh portions of the net be small enough to encapsulate the ogive of the RPG.

Although the limitation is considered to be widely well known in the art, Beach fails to expressly teach that the net is comprised of plastic fibres.

Glasson discloses a defense system against rocket propelled grenades that teaches the use of a deployable net made of Kevlar material. Kevlar is a synthetic aromatic polyamide polymer, which is considered to be a form of plastic having very high tensile strength characteristics.

Consequently, it would have been obvious to an artisan of routine skill in the art, during the time in which the invention was made, to modify the net of Beach by constructing the fibers of the Kevlar plastic material taught by Glasson for the purpose of constructing the mesh of a high-strength material.

Regarding claim 32 and 34, Beach teaches the disposing of a net for neutralizing an RPG, such that the net is spaced a distance from the protected object, but fails to specifically teach that the net is disposed at least 500mm from the (protected) object.

The Examiner believes that such a distance would have been within the realm of obviousness to an artisan of ordinary skill in the art at the time in which the invention was made. Although, Beach fails to teach this particularly specific limitation, the Applicant's specification appears to only generally assert the 500mm distance (the language used is *"since the textile armour is intended to be deployed at a distance in the region of 500mm..."* on page 2 of the specification). It would appear that the Applicant's selection of 500mm as a distance is arbitrary, as it only distances the net far enough from an object so that a possible detonation will be slightly diffused. In order for the range limitation to be considered as a patentable feature, the Applicant must establish the criticality of such.

Allowable Subject Matter

5. Claim 36 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to teach or suggest a net for neutralizing RPG's via strangulation where the circumference of each net mesh section is no more than two-thirds of the maximum circumference of the RPG.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMIR ABDOSH whose telephone number is (571) 270-5799. The examiner can normally be reached on Monday through Friday 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (571) 272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SIA/

/Troy Chambers/
Primary Examiner, Art Unit 3641